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# Daily



# Press

THE WEATHER.  
Rain Tuesday and Wednesday; cooler Wednesday, increasing east to southeast winds.

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NEWPORT NEWS, VA., TUESDAY, MARCH 9, 1909.

PRICE TWO CENTS

## ELOQUENT ATTORNEY SWAYS HIS HEARERS

Prosecutor in Carmack Murder Trial  
Exhausts Himself in Prolonged  
Oratorical Effort.

ADDRESS LASTED FOR FIVE HOURS

Is Considered a Masterpiece, Both in  
Power of Appeal and Poignancy of  
Invective—Excoriates Cooper Brand  
of Chivalry—Ridicules Suggestions  
of Sympathy for Slayers.

(By Associated Press.)  
NASHVILLE, TENN., March 8.—After Captain Fitzhugh had completed the opening argument for the State this afternoon, in the case against Colonel Duncan and Robin J. Cooper, and John D. Sharp, charged with the murder of former United States Senator E. W. Carmack, Judge William Hart ordered the jury withdrawn and thanked the spectators for their good order.

Captain Fitzhugh made a strong and striking argument.

It lasted over five hours, and when he concluded he was exhausted.

The court room was packed to suffocation, the ventilation was poor, and even the spectators felt the effects of the vitriol atmosphere. Fitzhugh is a dramatic orator, and his exertions left him nearly a physical wreck.

Argument a Masterpiece.  
The young Memphis attorney's speech is considered a masterpiece of logical argument and bitter invective, and it had a noticeable effect upon the jurors, who leaned forward and listened breathlessly to every word spoken.

Fitzhugh was a close friend of Senator Carmack, and he is on the case at the special request of Mrs. Carmack.

His peroration was especially dramatic.

"There will be many arguments made to you," he said, "to touch your heart. You will be asked to be generous and sympathetic. They will talk to you of this 'boy.' Why? Gentlemen, he is 27 years old, and some of the greatest achievements of men have been accomplished before a man is 30.

"And they will point to Colonel Cooper as a gentleman of the old school; as the 'last flower of the old Southern chivalry.' Do you believe it? Was he a gentleman when he used that awful language in the presence of Miss Lee? And when they talk to you of sympathy, just look over there. You see in sable garments the widow of E. W. Carmack. You see on her arm the ten-year-old boy who was the pride of E. W. Carmack's life. Did Duncan Cooper or Robin Cooper think of this widow or this boy when they shot the husband or the father. Would it not have been better if Robin Cooper, instead of shooting the senator, had said to his father, 'Father, do not kill the father of this little boy; do not slay the husband of this fond wife,' but he did not. The question is to be decided by you. If murder is to be committed in the streets of our cities without fear of punishment, can you tell who will be the next victim? The very liberty of the press is at stake; the security of the common people; it all rests with you and into your hands I place it unreservedly. Gentlemen, I thank you."

Fitzhugh Analyzes Case.  
After the necessary preliminaries in presenting the State case, Captain Fitzhugh said: "I have shown you that it is murder when a man takes a life upon a sudden impulse. How a man's heart is so full of malice that he spends all day Sunday and most of Monday devising ways to take the life of the man he despises so bitterly?"

Captain Fitzhugh then took up the threats of Colonel Cooper against Senator Carmack.

With dramatic force he repeated Cooper's words to Craig.

"If my name appears in the Tennessee again, Carmack or I must die."

His Description of Colonel Cooper.  
"Think of it, gentlemen, this man, who is a self-confessed lobbyist for a railroad, this man who is charged by reputable men with having embezzled money entrusted to his care; this man whose name has been bandied about the State; this man whose dark and devious ways have now been uncovered, dared to send to an honest and upright journalist the threat that if his name appears in the Tennessee again, one of them must die. Think of it?"

"And when the tragedy was over the defendants began to look for a cause. And what did they find? That Senator Carmack had referred to

## RICHMOND MAY LOSE MILLION DOLLAR INDUSTRY

Anticipating Final Decision Upon  
Ward Law Reported Saunders  
Co. Will Curtail Plant.

(Special to the Daily Press.)  
RICHMOND, VA., March 8.—A persistent rumor has it that, anticipating an opinion of the Supreme Court of Virginia, declaring the Ward law unconstitutional, E. A. Saunders Sons & Co., wholesale whiskey dealers, rectifiers and grocers, will sell their business and get out of this branch of the business. The name of the Baltimore concern to take over the business could not be ascertained. Should the report be true, Richmond will lose an industry representing an investment approximating one million dollars. E. A. Saunders Sons & Co. have built up a strong clientele through the South and locally, and the loss of even a branch of the business will mean a serious setback to Richmond.

JAMES CITY KILLING.

In Saturday Night Row One Negro  
Brutally Slays Another.

WILLIAMSBURG, VA., March 8.—As a result of a Saturday night brawl between two negroes, James Smith and Henry Epps, at Five Forks, about five miles from here on the James River, one of the most blood-thirsty and vengeful murders occurred last night that has ever been heard of in the history of James City County.

It seems that Smith and Epps had a rather warm dispute, and that Epps worsted Smith in the hand fight that followed. They were dragged apart and it was thought that there was an end of it. In a few minutes, however, Smith, drawing his knife, attacked Epps, stabbing him twice in the face before he could get out of the way. Without attempting to defend himself, Epps took to his heels with his enemy close behind him. Climbing a steep bank in an attempt to reach the nearby woods, Epps slipped and fell, and before he could regain his balance, Smith was upon him, stabbing him rapidly, time after time. Even after life became extinct, he continued astride the inanimate body of his enemy, literally hacking him to pieces. He continued at his bloody work until he was torn from his prey, now hacked and sliced up beyond recognition.

Taft to Go Visiting.

Indicated That He Will Go South and  
West.

(By Associated Press.)  
WASHINGTON, D. C., March 8.—That President Taft contemplates a general trip through the South and West this autumn, was indicated by him today when he said he would try to attend the 49th annual encampment of the G. A. R. to be held in Salt Lake City, August 9 to 14.

The invitation was extended by Senators Smoot and Southerland of Utah, who also represented the executive committee of the G. A. R.

President Taft said that he should like very much to attend the meeting and it might be quite possible for him to do so in view of his intended trip through the South and West.

## ROOSEVELT IS REVERSED

New Naval Secretary Revokes Order  
Closing Two Navy Yards.

GREAT PRESSURE HAD BEEN EXERCISED

No Doubt of Legality of Late President's Action, But Congressional  
Delegations Were Insistent, Amount  
of Work Done to be Ascertained.

(By Associated Press.)

WASHINGTON, D. C., March 8.—The order of the secretary of the navy given at the direction of President Roosevelt, abolishing the navy yards at Pensacola, Fla., and New Orleans, was today revoked by Secretary Meyer.

Secretary Meyer said that the congressional delegations and others from Florida and Louisiana had made representations to him claiming that the original order was illegal and that while he had no doubt as to its legality, the case had been put before the department in such a way as to affect a reconsideration of it.

The department intends to keep close watch of the conditions at those yards, and a statement has been called for of the amount of work in progress and contemplated by them, if it is not proposed for the present at least, to send any ships to those yards, the assignments already having been made.

## MISSOURI UNDAUNTED BY RATE LAW DECISION

Decree by Federal Judge Might  
Result in a Return to Three  
Cent Fare System.

STATE WILL CONTINUE THE FIGHT

Attorney General Says Appeal Will  
Be Taken and Governor Confirms.  
Legislature Will Be Asked to Pass  
New Rate Laws That Will Stand  
Tests of Courts.

(By Associated Press.)

KANSAS CITY, MO., March 8.—Missouri's two-cent passenger and minimum freight laws were nullified by a decision handed down today by Judge Smith McPherson, of Red Oak, Iowa.

As a result, it is believed, there will be a quick return in Missouri to three-cent fares.

Frank Hazerman, for the eighteen companies involved, asserted today that the decision sounded the death knell of the two-cent rate in every state in the Union.

Judge McPherson held that both the commodity and passenger laws were confiscatory and unconstitutional, and Mr. Hazerman declared that it is not conceivable that if the two-cent rate is confiscatory in Missouri, it can be compensatory in other States.

Fight Has Just Begun.  
The State, on the other hand, declares emphatically that Missouri's fight for lower rates would continue. Elliott W. Major, attorney general, who was in court today when the decision was read, said an appeal would be taken, and that the present legislature would be asked to pass new rate laws that would stand the tests of the courts.

Governor Hadley made a similar statement.

What Decision Means.  
The railroads contended that the rate fixed by the statutes of the State were not remunerative but confiscatory, and that the enforcement of the statutes be enjoined. The State brought proceedings to have them enforced.

"The question," said Judge McPherson in his decision, "is whether the traffic wholly within the State of Missouri generally referred to in the evidence as local traffic, can be carried under the freight rate statute of 1907 and the passenger fare statute of 1907 at such profit as will give a return after paying expenses upon the investment, or whether such traffic is carried at a loss or less than such reasonable profit. The Court has reached the conclusion that upon this question the statutory rates fixed by either and both statutes are not remunerative."

Presumption of Facts.  
In giving the reasons for such conclusions the decision says: "The unquestioned and undoubted rule is that there is a presumption both of fact and of law in favor of the validity of every legislative enactment. The railway companies have the burden of removing this presumption, and showing that the statute clearly, as some courts say, palpably, and others say, beyond a reasonable doubt, that the statute is invalid. In these cases the Court has recognized this rule. The authorities upon this question form a long and unbroken line, with the single exception of the majority opinion in the Pennsylvania case decided a year ago. (168 Atl. Rep. 674.) And that one authority is not persuasive."

"All testimony and argument bearing upon the question as to what consideration the legislature of Missouri gave to these enactments, is utterly immaterial. Much was said in argument as to the message of Governor Hughes, of New York, two years ago in declining to approve the two-cent fare statute of that State. Governor Hughes had the moral courage to veto a measure of popular favor because as he believed, the question had not been fully considered. But the relations of a governor to proposed legislation, and those of a court to legislation consummated, are entirely different."

Burden is Upon Congress.  
"Most of laymen and many lawyers believe that the question is whether the railway company as a system is earning sufficient revenue upon the value of the property of the system. They believe that if the Burlington, Santa Fe, Wabash, or any other railroad system is earning such money as will pay all charges and expenses, including taxes and interest, with reasonable dividends to the stock

holders, that State rates for State business must stand. Of course no one believes this who has given the slightest attention to the question. That precise question was before, and was decided by Justice Brewer, and affirmed by the Supreme Court in the Nebraska case of Smith vs. Ames. The only question is as to Missouri rates, less expenses properly charged against the same. And of this balance does not leave sufficient to pay a reasonable return, the law is invalid. And if the railroad system of any company is earning more than a reasonable return by reason of interstate rates, which affect the people many times more than local rates, and if such interstate rates are too high, Congress either acting alone or through a commission, must make the corrections."

Should Earn Six Per Cent.  
"The Supreme Court during the present year in the case of City of New York vs. Consolidated Gas Company of New York, decided that six per cent. was fair and right to be given to the owners upon the true valuation. My opinion is that while a gas plant is in some respects different from a railroad, that a railroad property, properly built, and properly managed, should over and above expenses, make a return of six per cent. per annum. And considering all the evidence, the evidence fairly shows that all of these roads were properly and economically built and are being properly and economically managed, and that after paying the expenses for maintenance and operation, that there is less than six per cent. of returns, and not more than three per cent. upon many of them and as to some of them a deficit, taking the property as above stated with in the State of Missouri at its fair valuation. And this is so without reference to bonds, because in no case do the bonds bear six per cent. interest. But taking the bonds into consideration, there is still not to exceed three per cent. returns, and many cases a deficit after considering all debits and credits, upon the true valuation for the State business. There is no evidence that any of the existing bonds were improperly issued either as to amounts or rates of interest. In fixing the value the Court has considered the evidence of witnesses as to the stocks and bonds outstanding, and the State Board for taxing purposes has valued these properties. Of course these findings are not binding nor conclusive, but they are persuasive. But independently of stocks and bonds, and independently of what the State Board has valued these properties for taxing purposes, the evidence

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## ALL DESIRE PROMPT ACTION UPON TARIFF

Long Conference Held by President  
with Leaders of Party in  
House and Senate.

NO DEFINITE POLICY GIVEN OUT

Promptness of Work Rather Than  
Details of Measure is Keynote of  
Situation—House "Insurgents" May  
Cause Some Delay—Problem of  
Financing Government Gives Acute  
Concern.

(By Associated Press.)

WASHINGTON, D. C., March 8.—The problem of financing the government, providing the necessary funds to carry on the projects underway and maintain the plans of the Taft administration and making the demands square with a new tariff schedule was the work with which President Taft, Senator Aldrich, Speaker Cannon and Secretary of the Treasury MacVeagh were engaged at a two-hour conference at the White House this afternoon.

The necessity for the enactment of a tariff bill at the earliest possible moment was discussed, there being little reference to the details of the proposed legislation.

Whether a definite policy was outlined at the conference could not be stated.

All Want Early Action.  
That the manufacturers and other large interests are demanding early tariff legislation, and that the business conditions of the country are necessarily unsettled until the tariff schedules are finally fixed by Congress, were the principal reasons given for the desire to permit nothing to interfere with prompt action by Congress at the special session.

The possible delay which the House "insurgents" may cause by promulgating a fight on the rules, and the further difficulties that may be put in the way of getting the tariff bill through without delay were thoroughly gone into.

Pledged by Platform.  
The conferees agreed that every Republican in the House and Senate is pledged by the platform to let nothing interfere with an immediate revision.

President Taft told the tariff framers last Saturday that his special message on tariff revision would contain no reference to specific schedules.

Mr. Taft, however, has made a consistent fight for a genuine revision of the tariff, and has let it be known in many ways that he would be satisfied with nothing less.

In his inaugural address he frankly called attention to the \$100,000,000 deficit which confronted his administration, and he suggested the necessity of an inheritance tax to make up some of the future revenue.

Franklin MacVeagh has not allowed himself to be quoted as to the possible necessity of a stamp tax.

STRIKEBREAKERS ASSAULTED.

Several Persons Injured in Riot of  
Hat Factory Workmen.  
(By Associated Press.)

WOODBINE, N. J., March 8.—Several persons were injured today in a riot growing out of a strike at the hat factory here, when a crowd of about four hundred set upon a dozen men who had been working in the hat shop.

Stones, bricks and other missiles were thrown. During the rioting a revolver was fired, and Abraham Willett, one of the men attacked, was struck by a brick hurled by some one in the crowd of rioters, and rendered unconscious.

Several others were hit by missiles before they succeeded in getting clear of their assailants. None was seriously injured, however.

The attack is said to have grown out of a refusal of the dozen men to quit their employment in the hat shop. When the disturbance had been quelled the shop was closed down for the day.

Will Not Cut Wages.  
(By Associated Press.)

NEW YORK, March 8.—March M. Schwan, president of the Bethlehem Steel Company, said today that although it is the belief that the steel prices would work lower before a thorough adjustment of conditions was reached, the Bethlehem Steel Company did not propose to cut wages of its workmen.

Eventually conditions would show an improvement, he believed.

## REENLISTMENT OF NEGROES WILL NOT BE HURRIED

Various Reasons Assigned by War  
Department Why Authorized  
Hearings Are Delayed.

(By Associated Press.)

WASHINGTON, D. C., March 8.—The hearing authorized by recent act of Congress to the discharged soldiers of the Twenty-fifth Infantry in order that they might clear themselves of the charge of participating in the Brownsville riot, with the view to their reenlistment is not likely to be conducted for some time yet.

Various reasons are assigned at the War Department for the delay in the organization of the commission to conduct the investigation, the principal ones being that the certified copy of the law has not yet been issued by the State department, and that care must be exercised in the selection of the personnel of the commission to avoid any grounds for possible allegations of bias.

Many inquiries have reached the department as to when the investigation would begin.

NOW HEAD OF TREASURY  
DEPARTMENT TAKES OATH

MacVeagh Relieves Cortelyou, Who  
Will Become President of Consolidated Gas Company.

(By Associated Press.)

WASHINGTON, D. C., March 8.—Franklin MacVeagh, of Chicago, took the prescribed oath of office this afternoon and entered upon his duties as secretary of the treasury in President Taft's cabinet.

The oath was administered in the presence of retiring Secretary Cortelyou and other officers of the department to the number of fifty or more.

At the conclusion of the ceremony, Mr. Cortelyou was presented on behalf of the officers of the department with a large silver loving cup of classic design.

Mr. Cortelyou will remain in town until late in the present month, when he will go to New York to become president of the Consolidated Gas Company.

POWDER EXPLOSION.

One Man Killed, Several Injured at  
the Dupont Works.  
(By Associated Press.)

WILMINGTON, DEL., March 8.—One man was killed and several others slightly injured today in an explosion which destroyed two mills in the Hagley yard of the Dupont Powder Company, near here.

The dead man is George Whitman, aged 50 years, an employee.

The accident was caused by the explosion of an experimental barrel.

The country was shaken for miles around.

Straus to Japan

WASHINGTON, D. C., March 8.—While the information is unofficial, it is understood to be definitely settled that former Secretary Straus, of the department of commerce and labor, will be appointed ambassador to Japan.

ACT OF A DERANGED MAN

Boston Policeman Kills Wife and  
Fatally Wounds Himself.

BROODED OVER DEATH OF DAUGHTER

Officer Found Dying From a Self-Inflicted Wound, While the Dead  
Body of His Slain Wife Lay by His  
Side.

(By Associated Press.)

BOSTON, MASS., March 8.—Daniel C. Spillane, a policeman, was found dying early today in his home in East Boston, from the effects of a bullet wound believed to have been self-inflicted while the body of his wife lay on the floor beside him.

Spillane died later at the hospital. It is said that Spillane, who had been a policeman 22 years, was deranged from two years brooding over the death of a 19-year-old daughter. The Spillane family occupied the third floor of a tenement house. Conditions indicated that the tragedy occurred while breakfast was being prepared.

Other families in the house heard two quick revolver shots from the kitchen of the Spillane apartment.

They forced open the door and found Mrs. Spillane dead and Spillane was still breathing but insensible. In his hand was his pistol, telling the story of what had happened.

## WAR TAXES REVIVED; COFFEE DUTY LEVIED

New Tariff Bill Said to Contain  
These Provisions—Duty on  
Steel Cut.

INHERITANCE TAX HANGS FIRE

Bank Checks, Telegrams, Playing  
Cards and Stock Transactions Must  
Bear Taxation—Four Cents a Pound  
on Coffee—No Further Levy Upon  
Whiskey and Beer.

(By Associated Press.)

WASHINGTON, D. C., March 8.—Having been practically completed by the tariff framers, portions of the new tariff bill today were sent to the government printer.

It is said that by Wednesday the entire measure will be in type. Although no announcement has been made by the House committee on ways and means regarding any of the schedules of the tentative bill, it had been learned on unquestioned authority that as a concession to the shoe men because of placing hides on the free list, the duty on shoes would be considerably reduced.

While no figures were obtainable regarding the steel schedule, it was stated, on the same authority, that a substantial reduction in the duty on steel rails, tools and similar products is provided for.

Duty on Coffee.  
A duty of four cents a pound on coffee is levied. This is by way of compromise with the Porto Ricans, who demanded a tax of six cents a pound.

Whiskey and beer will remain as they are at present, if the subcommittee recommendations are enacted into law.

It was felt that whiskey was already carrying all the tax it could stand, while in the case of beer the prohibition movement throughout the country, it was explained, had cut down the consumption of beer, and it was felt that it would be a hardship to impose any further tax.

War Tax Levied.  
It having become manifest to the committee that duties derived from customs under the new bill would not produce the revenue expected, they turned to the expedient of reviving the war revenue act of 1898 which placed a tax on telegrams, bank checks, playing cards and all stocks bought or sold. That feature of the war revenue act is incorporated in the measure as drafted. It is said.

A matter which still is perplexing the committee is that of placing a tax on inheritances.

President Taft wants it, it is declared, and is pressing the committee to take action along that line.

Present indications are that the committee will yield to the President's wishes.

President Taft is seeking to have a copy of the bill delivered to the Senate committee on finance before the special session begins in order that they may begin work on it at once, believing that much time will be saved thus and that the extra session will be materially curtailed.

Lumber Cut in Two.

A cut of one-half, in the duties on lumber and manufacturers of lumber is understood to be one of the changes.

Another change that has been made, according to information from reliable sources, is that hides have been placed on the free list.

There has been much contention over the duties of these two articles, and while none of the members of the committee will verify the correctness of the reports, they are generally accepted by those who have been following the work of the committee.

During the hearings on the lumber schedule the testimony was of such a character as to lead to the impression that lumber would be put on the free list. Such action, it being known to have much support, it being claimed that the forests of the country could only be conserved by admitting foreign lumber to this country free of duty.

Lumbermen Get Busy.  
Lumbermen have been working energetically to prevent the placing of lumber on the free list.

They contend that the free rates of duty should be increased, in order that the American industry may compete with the cheaper labor employed in Canada.

The effort to obtain free hides is made as often as there is a revision of the tariff. It is principally advocated by the New England shoe and leather manufacturers, and is strongly opposed by the cattlemen of the West.

While nothing can be learned regarding the action of the tariff framers in regard to the duties on

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